

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

SIX STAR HOLDINGS, LLC and
FEROL, LLC

Plaintiffs,

v.

Case No. 10-C-893

CITY OF MILWAUKEE,

Defendant.

**CITY RESPONSE TO PLAINTIFFS' MOTION IN LIMINE
TO PRECLUDE DEFENDANT FROM ARGUING THAT PLAINTIFFS'
CHALLENGES TO THEATER AND PUBLIC ENTERTAINMENT CLUB
ORDINANCES WERE MADE IN BAD FAITH**

The defendant City of Milwaukee respectfully requests the district court to deny the plaintiff's motion in *limine* to preclude defendant from arguing that plaintiffs' challenges to theater and public entertainment club ordinances were made in bad faith (Document 108).

First, of course the City will attempt to prove and argue that plaintiff's main witness was materially untruthful in his previous statements and testimony. A fair inference of Mr. Ferraro's untruthfulness is that his complaints about the former ordinances were likewise untruthful. Granting this motion would defeat the City's defense to argue to the jury that it is the jury's duty to determine whether Jon Ferraro was telling the truth when he swore his Declaration filed as Document 79.

In Document 79, Mr. Ferraro claims “but for the Milwaukee ordinances regulating public entertainment clubs, Chapter 108, and theaters, Chapter 83, Ferol, LLC would have immediately opened such a club at 117 West Pittsburgh Avenue for which premises Ferol held a 30-year lease.” See, Document 79, ¶ 9. By use of plaintiffs’ previous inconsistent statements and Ferraro’s deposition testimony, the City of Milwaukee will seek to prove to the jury that that statement is untrue. In fact, all the evidence will point to the logical conclusion that Mr. Ferraro, and the variety of limited liability companies used by the “Silk Group,” have always intended to open a tavern that offered erotic dance entertainment. A dry gentleman’s club was a mirage, a red herring, a false intention.

This case was always about plaintiffs attempting to open a tavern that offered exotic dance entertainment to its patrons. Because Jon Ferraro’s credibility is on the line, the City of Milwaukee should not be restricted in its attempts to cross-examine Mr. Ferraro as to his true intentions in opening a strip club at 117 West Pittsburgh Avenue in the City of Milwaukee.

For the above-stated reasons the City of Milwaukee respectfully requests the court to deny plaintiffs' motion in *limine* filed as Document 108.

Dated at Milwaukee, Wisconsin, this 6th day of February, 201

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